

**TOWN OF NORTH EAST  
TOWN BOARD  
JANUARY 11, 2018**

**Members Present:**

Supervisor George Kaye  
Councilman Ralph Fedele  
Councilman John Merwin  
Councilman Chris Kennan  
Councilman John Midwood

**Members Absent:**

**Call to Order:**

Supervisor Kaye called the meeting to order at 7:00 PM.

**Acceptance of Agenda**

On a motion by Councilman Fedele, seconded by Councilman Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the agenda as amended

**Public Comment on Agenda Items Only**

Councilman Midwood made a comment regarding a letter to the editor in the Millerton News. In said letter it stated that he had prepared a grant to secure video equipment for the Town. This is incorrect. This grant was negotiated between a previous Board and Optimum. He is simply proposing to use that grant to update the equipment.

**Department and Committee Reports**

**HIGHWAY** – Superintendent Stevens informed the Board that he received the delivery of the new wheel loader on December 29, 2017 and it will be in service on January 16, 2018. This leaves the Town with surplus equipment of wheel loader, hitch broom and 6 truck tires.

Superintendent Stevens asked the Board's permission to advertise these items for sale on Auctions International.

Supervisor Kaye explained that this is something the Town often does.

Supervisor Kaye explained that the Town received a \$50,000 SAM grant last year which was utilized along with CHIPS money to purchase a loader because it was needed. So now the Town has the old loader and new loader. The Town would like to sell the old loader.

Councilman Fedele asked if there is a State mandated life span for equipment.

Superintendent Stevens stated that there is and he will provide a copy to Councilman Fedele.

Supervisor Kaye stated that Superintendent Stevens provided the Board with a list in November 2017 showing the dates of when equipment would be coming due.

On a motion by Councilman Fedele, seconded by Councilman Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to allow Superintendent Stevens to advertise surplus equipment on Auctions International.

Superintendent Stevens presented the Board with Agreement for the Expenditure of Highway Monies. This is an annual agreement between the Highway Superintendent and the Town Board allowing him to spend money on general road repairs and permanent improvements.

Supervisor Kaye stated that the immediate need right now is for cold patch due to the freezing rain, cold, thawing etc. potholes open up and since hot patch cannot be done the usual thing is to use cold patch.

On a motion by Councilman Merwin, seconded by Councilman Kennan the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to allocate funding as stated in the Agreement for the Expenditure of Highway Monies.

Superintendent Stevens stated that part of the County wide shared services 2018 tax savings plan includes the Town of North East and the Town of Milan purchasing a shared skid steer with various attachments.

Supervisor Stevens presented what it would cost to rent this equipment over the course of fifteen years which would be \$187,500, the Town's portion of purchasing it would be \$48,354.27 and the savings to the Town in purchasing would be \$139,145.73.

Supervisor Stevens explained that the Town's portion would come from the Highway Fund Balance.

Superintendent Stevens stated that this equipment would be stored in Milan.

On a motion by Councilman Fedele, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to allow Superintendent Stevens to enter into shared services on purchase of skid steer with the Town of Milan

On a motion by Councilman Merwin, seconded by Councilman Kennan the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED to allow Supervisor Kaye to sign the IMA with Milan.,

**POLICE** – Officer Dave Rudin stated that for December there were 37 incidents, 23 in the Village, 14 in the Town. There were 5 arrests in Village and one in the Town. There were 2 DWI arrests.

**ASSESSOR** – Assessor Johnson stated that due to the passing of John Campbell there is an opening on the BAR. This term has less than a year. She provided the Board with the requirements for qualifications to be on the BAR and for training.

**PLANNING, ZONING & BUILDING** – Written reports were made available to the Board.

**TOWN CLERK** – Provided a written report. Clerk Cope informed the Board that as Tax Collector she collected \$541,000.00 in pre-payments in December 2017.

**COMMITTEE ACTIVITY** – Councilman Merwin informed the Board that there is a Northern Dutchess meeting on January 17, 2018.

## **Meeting with Council**

### **General Legal Matters**

Attorney Replansky discussed the Local Law material regarding the Amendment of Article IV Section 155-12(C) of the Town Code to Extend the Cold War Veterans Real Property Tax Law Exemption. He explained the Board needs to pass a resolution and hold a public hearing.

Attorney Replansky discuss Spencers Corners Cemetery. He explained that this is an abandoned cemetery it does not have a Board of Trustees or a governing board, it was at one time, he assumes, a public cemetery.

It was explained by Attorney Replansky that according to NYS Law when a cemetery is abandoned the municipality must provide lawn care maintenance. The Town would be responsible to run the cemetery only if it had been deeded to the Town according to the general municipal law.

An issue arose where a woman passed away and wanted to be buried next to her husband who is in this cemetery.

Attorney Replansky stated that it appears that the Town does not have any right unless it assumes operation of the cemetery as a Town cemetery.

Supervisor Kaye stated that there is no mapping of gravesites. The only way someone could be buried there would be if they had a functioning deed to a plot.

Attorney Replansky stated that the Town could conduct an inventory of the stones and a list of former trustees.

Supervisor Kaye stated that former Board member Jim Campbell organized a group to help restore several headstones and clear brush. There is a plan to do more work this year in the cemetery.

### **Snow Removal Agreement**

Mr. Replansky stated that the indemnification clause contained in the new agreement is not as comprehensive and protective of the Town as the previous year.

Supervisor Kaye explained that up until this year the County has paid the Town to maintain County roads for snow removal. In the past the County has always held the Town harmless. This year the County was told by their insurance company they could not do that anymore and therefore the County wanted to pay the Town a set amount per mile for maintaining the roads.

Supervisor Kaye performed a cost analysis and it was found that the amount offered by the County would not have even covered the Town's cost.

Supervisor Kaye stated that the biggest factor was the indemnification issue. With the exposure the Town would have to much liability on these roads, the Town decided not to proceed.

Supervisor Kaye stated that the Town of Clinton approached the County to see if they couldn't come up with a different proposal. They did develop a different proposal with regard to the insurance issue.

A copy was sent to the Town and it was forwarded to the Town's attorney and insurance carrier and it was agreed that it is still lacking and wouldn't cover the Town's responsibility.

Mr. Replansky explained that the agreement use to contain an indemnification and hold harmless agreement. This basically stated that the County would indemnify and hold harmless the Town from any liability whatsoever which results from the Town maintaining County roads.

Mr. Replansky stated that the new agreement agrees to indemnify the Town for County negligence but the Town would have to indemnify the County from the Towns negligence.

Mr. Replansky stated that there are certain provisions in the NYS Vehicle and Traffic Law that provide a certain limited amount of liability protection to municipalities while engaged in highway work. The Town would still be sued and the Town would incur expenses.

Mr. Replansky stated that he is not happy with the language in the Town of Clinton agreement, it is fine and other municipalities are signing them. The Town would be bound to it for a year and if there's no increase in the Town's insurance premium for that year the Town may want to try it out and see how economical it is.

Supervisor Kaye stated that the dates for the contract run from October 1 until the end of April.

Supervisor Kaye stated that if the County still wants to offer \$5,200.00 per mile for the remainder he would vote to accept it but it is a Board decision.

On a motion by Councilman Merwin, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept County agreement from October 2017 through April 2018 as long as it is not pro-rated and based on the contract that is before the Town presently.

Mr. Replansky asked that a copy of the County contract be sent to himself as well as insurance company.

### **Acceptance of the Pledge to Become a Climate Smart Community**

Mr. Replansky stated that the Town was possibly interested in becoming a climate smart community pursuant to the provisions of the DEC rules and regulations. When looked into it he was a bit surprised to find it was a formidable process.

Mr. Replansky informed the Board that it's not just a matter of adopting a resolution. The Town would have to take on certain pledges and meet certain goals.

Mr. Replansky provided the Board with copies regarding the pledge, certification program and a guide to local communities along with a copy of what was done in Rhinebeck.

Mr. Replansky recommended that the Board study this material and then decide. Part of what the Town is doing in passing a solar law would fit into this.

Supervisor Kaye asked if two members of the Board would agree to look into this and decide the pluses and minuses, determine what the processes will be to satisfy this and for them to formulate the pledge for this should the Board agree to enter into this.

Councilmen Midwood and Kennan agreed to perform this task.

### **General Legal Matters**

Mr. Replansky stated that he reviewed the Solar Committee's draft law and he sent them his recommendations and based upon his recommendations the Solar Committee revised the draft.

Mr. Replansky reported to the Board that the Scribner Road abandonment has been completed. He reminded Highway Superintendent Bob Stevens to have that portion removed from the Town's inventory.

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Mr. Replansky informed the Board that a decision on Mavis Tire has been reached by the Town's ZBA.

Mr. Replansky reported to the Board that he has not heard anything more on the Vitiello appeal.

**Introduction of Local Law No. 1 of 2018 to Amend Article IV, Section 155-12(C) of the Town Code to Extend the Cold War Veterans Real Property Tax Law Exemption and Set the Public Hearing Time and Date**

**TOWN BOARD OF THE TOWN OF NORTH EAST**

**RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR LOCAL LAW NO. 1 OF 2018**

**WHEREAS**, Section 458-b of the New York Real Property Tax Law ("N.Y. RPTL") provides an exemption from taxation to qualified residential real property owned by Cold War Veterans and/or qualified owners for a period of ten years provided municipalities adopt a local law authorizing the same; and

**WHEREAS**, Chapter 155, Article IV of the Town Code established an exemption from real property taxes for Cold War Veterans in accordance with Section 458-b of the N.Y. RPTL with a ten year limitation; and

**WHEREAS**, recent amendments to Section 458-b of the N.Y. RPTL provide that municipalities may adopt a local law providing that the exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to a ten year limitation; and

**WHEREAS**, the Town Board desires to extend the aforementioned exemption in accordance with the statutory amendments to Section 458-b of the N.Y. RPTL, which became effective on September 12, 2017.

**NOW, THEREFORE**, be it

**RESOLVED**, that the Town Board hereby introduces the following Local Law to be known as Local Law No.1 of 2018 entitled: "A Local Law to Amend Chapter 155, Article IV, Section 155-12(C) to Extend the Cold War Veterans Exemption"; be it further

**RESOLVED**, that a public hearing is hereby scheduled on the adoption of said Local Law for February 8, 2018 at 7:15PM at the North East Town Hall; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to give proper notice of said public hearing as required by law.

This motion was offered by Town Board member John Merwin and was seconded by Town Board member Chris Kennan.

SUPERVISOR KAYE	Voted AYE
COUNCILMAN FEDELE	Voted AYE
COUNCILMAN KENNAN	Voted AYE
COUNCILMAN MERWIN	Voted AYE
COUNCILMAN MIDWOOD	Voted AYE

The Resolution was carried by a 5-0 vote of the Town Board members on January 11, 2018.

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Lisa Cope,  
Town Clerk, Town of North East

**Resolution for the Appointment of Lisa Cope as Historian**

On a motion by Councilman Fedele, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)

NAYS – 0

RESOLVED, to appoint Lisa Cope as Town Historian.

**Resolution to Accept the Standard Work Day and Reporting Resolution**

On a motion by Councilman Merwin, seconded by Councilman Fedele the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the Resolution to Accept the Standard Work Day and Reporting Resolution.

**Adoption of the Kennel Contract**

Supervisor Kaye explained that every two years the Town has to have a new contract with the Pine Plains Vet Clinic so that dogs captured by the dog control officer can be housed there.

On a motion by Councilman Fedele, seconded by Councilman Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the kennel contract.

**Supervisor's Report**

**Monthly Bills/Abstracts/Special Abstracts**

Supervisor Kaye presented Special Abstract dated December 19, 2017 totaling \$1,301.80 broken down as follows:

A Fund - \$535.88  
DB Fund - \$554.40  
T&A Payroll - \$211.52  
Total -\$1,301.80

On a motion made by Councilman Fedele, seconded by Councilman Merwin the following was

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept Special Abstract dated December 19, 2017.

Supervisor Kaye presented Abstract dated December 30, 2017 totaling \$197,320.81 broken down as follows:

A Fund - \$19,031.42  
B Fund - \$7,138.21  
DB Fund - \$170,504.29  
T&A2 Escrow - \$646.89  
Total -\$197,320.81

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept Abstract dated December 30, 2017.

Supervisor Kaye presented Abstract dated January 11, 2018 totaling \$40,728.78 broken down as follows:

A Fund - \$33,904.03

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B Fund - \$1,192.76  
DB Fund - \$5,511.99  
Water Dist. SW1 - \$120.00  
Total -\$40,728.78

On a motion made by Councilman Merwin, seconded by Councilman Kennan the following was

ADOPTED – AYES – 3 (Kaye, J. Merwin, Campbell)  
NAYS – 0

RESOLVED, to accept Abstract dated January 11, 2018.

Supervisor Kaye presented Budget Adjustment 8 of 2017.

On a motion by Councilman Fedele, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept Budget Adjustment 8 of 2017.

### **Voucher Committee February 2018**

Councilman Chris Kennan and Councilman Merwin.

### **Approval of Minutes from Previous Meetings**

On a motion by Councilman Merwin, seconded by Councilman Midwood the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the minutes of December 14, 2017 as amended.

On a motion by Councilman Midwood, seconded by Councilman Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the minutes of December 22, 2017 as amended.

On a motion by Councilman Fedele, seconded by Councilman Merwin the following was:

ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to accept the minutes of January 2, 2018 as amended.

### **General Comment Period**

Bill Kish informed the Board that he, Jon Aranson and Julie Schroeder looked into the definition of polygon as it pertains to the sign regulations. He stated that polygon will be changed to rectangle in the sign regulations.

Supervisor Kaye stated that the Solar, Wind and Signage Committee are still working on zoning changes. The only part that may be close to being presented to the Town Board may be the solar. The signage is something that is still in progress.

On a motion by Councilman Midwood, seconded by Councilman Kennan the following was:

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ADOPTED – AYES – 5 (Kaye, Merwin, Midwood, Fedele, Kennan)  
NAYS – 0

RESOLVED, to adjourn at 8:15 PM.

Respectfully Submitted,

Lisa Cope  
Town Clerk